

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
EASTERN DIVISION

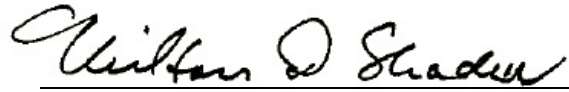
MIDWEST OPERATING ENGINEERS WELFARE)	
FUND; MIDWEST OPERATING ENGINEERS)	
PENSION TRUST FUND; OPERATING)	
ENGINEERS LOCAL 150 APPRENTICESHIP)	
FUND; LOCAL 150 I.U.O.E. VACATION SAVINGS)	
PLAN; MIDWEST OPERATING ENGINEERS)	
RETIREMENT ENHANCEMENT FUND, and)	
INTERNATIONAL UNION OF OPERATING)	
ENGINEERS, LOCAL 150, AFL-CIO,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 12 C 429
)	
J&S CONSTRUCTION SEWER &)	
WATER, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

This Court has received a copy of the Answer filed by J&S Construction Sewer & Water, Inc. ("J&S") to the First Amended Complaint ("FAC") brought against it by several employee benefit funds. This memorandum order is issued sua sponte because of some troublesome aspects of portions of that Answer.

In particular, J&S has flat-out denied the allegations in FAC Count I ¶ 5 that it is a party to collective bargaining agreements identified in the FAC by the plaintiff Funds. That denial appears to be directly contradicted by three Memoranda of Agreement that are attached to the FAC as its Exs. C, F and I, each of which is a photocopy of such a Memorandum executed by both J&S and the labor union referred to in the case caption. That same problem is posed by the Answer's outright denial of FAC Count II ¶ 5. And finally, J&S's counsel wrongfully "denies the Plaintiffs have stated a viable cause of action" at the conclusion of the response to each of the FAC's two counts.

Under the circumstances this Court orders J&S and its counsel to show cause on or before June 25, 2012 as to why the present Answer should not be stricken.¹ Because the next scheduled status hearing is not until mid-August, this Court will very likely schedule an earlier session to address that subject.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is fluid and cursive, with the first name "Milton" being more prominent.

Milton I. Shadur
Senior United States District Judge

Date: June 12, 2012

¹ This memorandum order has spoken only of a single paragraph in each of the FAC's two counts. But the apparent falsity of the responses to those two paragraphs may perhaps bear upon other related denials in the Answer, a subject that will be addressed once this order to show cause is responded to.